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THE HON'BLE SRI JUSTICE P.S. NARAYANA

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W.P.No.12211 of 2006

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Dated 19th June 2006

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Between:

V.V.L.N.Chowdary S/o Lalithamba

Age 49 years R/o H.No.24A-13-5

Ashok Nagar, Eluru, West Godavari district

…Petitioner

And:

The State of A.P., rep. By its Pricnipal Secretary,

Municipal & Urban Development Dept., Hyderabad & others

… Respondents

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.12211 of 2006

ORDER:

Heard the learned counsel.

The writ petition is filed praying for a writ of Mandamus declaring the action of the respondents in marking a portion of building property of the petitioner bearing Municipal Assessment No.45449, Door
No.24A-13-5, situated on Eastern and Southern side at Ashok Pillar Centre in Ashok Nagar, on the road leading from District Court centre to Ashok Pillar in Eluru Municipal Corporation limits with a direction to demolish the same for road widening as highly illegal, arbitrary, violative of principles of natural justice and the provisions of Hyderabad Municipal Corporation Act, as made applicable to 4th respondent and offends Articles 14, 21 and 300-A of the Constitution of India and consequently to direct the respondents not to demolish any portion of the said building, its compound wall and site and for such other order.

Several factual details had been narrated in the affidavit filed in support of the writ petition. It is stated that 4th respondent-Municipal Corporation is making serious attempts to carry on with the demolition activity without following due process of law. It is needless to say that the respondents are bound to follow the procedure before taking up the demolition activity.

In view of the facts and circumstances, the writ petition is disposed of directing the respondents not to carry on any demolition activity in relation to subject matter of the writ petition, unless and until, they follow the due process of law. No order as to costs.

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P.S.NARAYANA, J.

Dt. 19.06.2006

Note:

Issue operative portion by wire.

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